

## R307-313 HMA Public Comments; Responses

On [DATE], the Utah Air Quality Board proposed R307-313 for a 30 day public comment period. This public comment period began on [DATE] and ended on January 3rd, 2023. During this time staff at the UDAQ continued ongoing conversations with stakeholders, and received submissions of written comments from 6 sets of commenters. The agency has reviewed and evaluated all comments submitted in writing during this 30 day public comment period in accordance with section 63G-3-301(11)(b) of Chapter 3 of the Utah Administrative Rulemaking Act. Below is a summation of comments received and staffs responses:

- 1) Public Comment: One set of commenters wrote in support of the proposed rule stating, "We applaud and support the efforts by the Division of Air Quality to reduce these harmful emissions. We strongly support R307-313. VOC and Blue Smoke Controls for Hot Mix Asphalt Plants."  
UDAQ Response: The division appreciates the support of R307-313 received from this set of commenters and the engagement of the general public in the rulemaking process.
- 2) Public Comment: Multiple commenters noted that the applicability of the rule is based on county boundaries, and includes regions outside of the NAA boundary as well as Utah county. These commenters proposed that the rule should be limited to the NAA boundary.  
UDAQ Response: The division appreciates this comment, however disagrees that this rule should only apply to sources wholly located within the existing NAA boundary. The decision to base the applicability of this rule on county lines as opposed to nonattainment boundary, as well as the inclusion of Utah county in the rule, are multifaceted and include the following:
  - a) Due to atmospheric transport, emissions that originate from outside of the NAA can be transported to the NAA where they contribute to the area's ability to attain the standard. Thus, reducing VOC emissions from sources near the NAA can be as important as reducing emissions from within the NAA.
  - b) Applicability based on county lines simplifies compliance and enforcement of the rule as there is far less of a chance a source is unaware of their inclusion within a boundary. Further, county lines are generally considered to be permanent, while the promulgation of new NAAQS can result in changing and overlapping boundaries for the same, or for multiple, pollutants. Thus, relying on county lines provides a more permanent basis for the applicability of rules.
  - c) While Utah county attained the 2015 NAAQS 8-hour ozone standard by the attainment date of August 3rd, 2021, the county attained the standard by just 1 ppb, and with the likelihood of a more stringent ozone standard being promulgated by the EPA in the near future, the area is likely to be designated as nonattainment again in the future. Thus, including Utah county in rulemaking now serves two purposes: helping reduce emissions now with the hope of preventing a future nonattainment designation, and in the event of a future nonattainment designation this rule will not need to be modified.

- 3) Public Comment: Multiple commenters proposed alternative language regarding the exemption for Warm Mix Asphalt found in Section 313-4(3) in which the term “consists entirely of” could be modified to either “primarily” or “in the normal course of operations”. This proposed alternative to language would grant greater flexibility to sources to be able to remain in compliance with the intent of the exemption given regular operations require periods of startup which may fall outside of the range of Warm Mix Asphalt as defined in the rule, and small temporary fluctuations in temperature during manufacturing could result in noncompliance.
- UDAQ Response: The division appreciates this comment and helpful insight into the normal operating parameters experienced during the manufacturing of Warm Mix Asphalt, and agrees that a modification in the language is warranted. The relevant text in the proposed rule now reads “**during normal operating conditions**”.
- 4) Public Comment: Multiple commenters